

[23rd August 1955]

THE HON. SRI C. SUBRAMANIAM :—“ Sir, I move—

‘ That the Police (Madras Amendment) Bill, 1955 (L.A. Bill No. 14 of 1955), as passed by the Assembly, be passed.’ ”

MR. CHAIRMAN :—“ The question is—

‘ That the Police (Madras Amendment) Bill, 1955 (L.A. Bill No. 14 of 1955), as passed by the Assembly, be passed.’ ”

The motion was carried and the Bill was passed.

(2) THE MADRAS BUILDINGS (LEASE AND RENT CONTROL)
AMENDMENT ^a BILL, 1955 (L.A. BILL NO. 21 OF 1955).

* THE HON. SRI SHANMUGA RAJESWARA SETHUPATHI :—“ Sir, I move—

‘ That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1955 (L.A. Bill No. 21 of 1955) as passed by the Assembly be taken into consideration.’

“ In moving this Bill I wish to say that this is a very simple measure seeking extension of the life of the Act for a further period of two years. The formation of the Andhra State and the consequent shifting of the Andhra High Court and some other offices from the Madras City have not given appreciable relief in regard to the accommodation position in the City of Madras. In the mufassal towns also, the position has not improved and there is still strong room for the continuance of the Act in all areas to which it is now applicable. The Government also propose to take power to withdraw the application of the Act from any municipal town where the need for control seems, in the opinion of Government, to be not necessary, from any future date. At the same time, I wish to assure the House that the Act will not be continued for a moment longer than the necessary period. With these words I request the House to accept the Bill.”

MR. CHAIRMAN :—“ Motion moved—

‘ That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1955 (L.A. Bill No. 21 of 1955) as passed by the Assembly be taken into consideration.’ ”

* SRI G. KRISHNAMOORTHY :—“ I beg to oppose this Bill with all the vehemence that I can command. This is quite an unwanted Bill. Shelter or provision of a house is one of the three main necessities of life, viz., food, clothing and shelter. We have had controls on food, clothing and many other things. Thanks to the efforts of our revered Rajaji, controls on food were removed. We knew how difficult it was to get rice and clothes in those days, when control was in force. We know how easily food and clothing are available now. When control in respect of food and clothing have been removed, I do not know why control in respect of the

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third necessity of life, viz., shelter, is still allowed to continue. I can understand the control on housing being continued in a big metropolis like the City of Madras. But I do not know why 168 panchayats and 41 municipalities and more—all municipalities—should come under the present Bill. Is it not proper on the part of the Government to just go a little deeper into the problem and analyse the circumstances under which this control has become necessary? It might have come as a war-time measure. As an emergency measure it might have come. But what is the need to continue this control in municipal towns and panchayat areas even now? Is it not a fact that people in the villages flock to cities and because of the depopulation of the villages, the problem of housing has become acute in the cities? When that is the case, the remedy to solve the problem of housing shortage in the cities, lies in putting a stop to this depopulation of villages by creation of more amenities in villages, and not by continuing this control. We are just on the eve of the Second Five-Year Plan. Therefore, will it not be proper just before embarking on our Second Five-Year Plan to create amenities in villages and to remove this control?

“ We find that man of late is being curbed on many sides. Some 20 or 30 years before, even from my own experience, I could say that we were able to live as free citizens. But nowadays an ordinary citizen finds it difficult to go on with his daily activities. All sorts of checks are placed in his way. For almost everything he has to fill in a form and at times has to go to a police station or some Government office. He is thus fettered. The less we are governed the better it is for us and the Government. There should be no check on the daily normal activities of a citizen. This Bill amounts to regulating the accommodation available. I say such a kind of control will dampen the enthusiasm of moneyed people to build more houses. The moneyed man knows that if he were to invest his money to construct houses when there is control, that will not fetch him any decent return, for it is the Government that will step in to say how, when and for how much money that house could be rented. Therefore by this Bill, the enthusiasm of the moneyed people to construct more houses would be dampened. If the Government really want to ease the housing shortage, they must make villages attractive and also help the private sector to launch on a building programme for the Government servants, rather than continue this control, which is not at all desirable. I plead that man should be allowed to act freely and there should not be any control regarding provision of shelter. If the contention of Government is that their officers and staff have no sufficient accommodation in the City of Madras, then they must embark on a programme of building houses for the Government servants. That would be the proper approach. I also want to know whether there is necessity at all to continue this control in the mufassal towns and more especially in Panchayat areas. Government should take measures to arrest the depopulation of villages and the consequent flocking of villagers to little towns, big towns and

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cities, by providing more amenities in the villages. That would be the correct approach and it would go a long way in easing the housing shortage in towns and cities. With these observations, I oppose the Bill."

* SRI A. GAJAPATHY NAYAGAR :—" I am rather surprised at the speech made by my friend, Sri G. Krishnamoorthi. I was the Rent Control appeal authority in Madras for some time. I knew the difficulties which one experiences in getting decent accommodation in the City of Madras. I had to wait for six months to get a house. I was living as a tenant in a far-off place, even though I was the controlling authority. Even now it is very difficult to find accommodation in this dirty Madras City, as one Judge had put it."

THE HON. SRI C. SUBRAMANIAM :—" Who is the Judge who had said so? "

SRI A. GAJAPATHY NAYAGAR :—" Justice Mack."

THE HON. SRI C. SUBRAMANIAM :—" I am not surprised then."

SRI A. GAJAPATHY NAYAGAR :—" So many officers are living in houses which are no better than ratholes and the house-owners are trying to make capital out of the situation, by increasing the rent abnormally, which no one could pay. Therefore this Bill is a good measure. It would bring relief to thousands of tenants. I think this extension of the Act till 30th September 1957 is a very good one and in my view, it ought to be there. With these words I support the Bill."

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DR. A. LAKSHMANASWAMI MUDALIYAR :—" Mr. Chairman, Sir, this particular measure has been adopted time after time by the Government. I must say that every time the Government came forward with the idea of extending the Act, they said that that would be the last extension. But now once again the Hon. Minister in charge has come forward with the idea of extending the life of the Act for two years and extending it not only to the City of Madras but to Municipalities and Panchayats.

" Now, Sir, I should like to answer my hon. Friend in my rear who waxed eloquent on the non-availability of quarters for Government servants. Who is responsible for the debacle? If only Government had realised their responsibility and constructed quarters for their officers wherever necessary, this question would have never arisen. While they are insisting on industrialists, mill-owners and various other agencies to build quarters for their workmen, when it comes to their own, they are remiss in the performance of their duty (Hear, hear). This is not the first time that I am drawing the attention of the Government, but I have asked them time and again, 'What is the building programme that you have got for your officers and, for others who are in Government service in your lower establishment'. But nothing has been

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done. If the Government had taken up this matter and even now if the Government take up this matter seriously, the position will not be so bad. The whole of this difficulty is due to the remissness on the part of the Government in not constructing quarters where necessary.

“ Sir, I am not surprised at the statement of the hon. Member (Sri Gajapathy Nayagar) that even though he was in the list of the House Rent Controller, he did not get a suitable place. I will tell you, Sir, the reasons. The Government servants have a knack of choosing what they want, and rejecting that they do not want this and they do not want that. We poor fellows have to resort to anything. I was having official quarters when I was in Government service. When I became a non-official by virtue of my present position, my house had already been taken away by the Government of India, forcibly of course, and they had it converted into the Accountant-General's office without any permission on my part and dug it up in such a way that it would take six months to repair it (Laughter) to get even a decent portion to live in. That is how the Government treat others. If it is a question of their own quarters, that is a different matter.

“ I should like to ask this question. Will the Hon. Minister be pleased to say, ‘ What is the extra establishment that will be required for this purpose? ’; ‘ What is the cost to the State in maintaining an army of officers on House Rent Control in the municipalities and various other parts of the State? ’

“ I can tell you, Sir, that the non-availability of suitable houses cannot be due to the House Rent Controller himself. The main difficulties experienced by owners is indeed very great. When persons who have the means to get into touch with these officers through correspondence (because they have clerks and other agencies to help them), find it so difficult to get just treatment, we can imagine what would be the position with regard to poor house owners who live on that income: it is not possible for them to write a single letter, much less to go and see this august personage, the House Rent Controller. It is not always so easy for them to do that. Gods could be worshipped more easily than some of our Government Officers (Cheers). Therefore, I feel that if Government want to extend this Act, they must lay before the House under what circumstances they came to the conclusion that it was necessary to extend the life of this Act by two years, under what circumstances it was necessary to extend this to all these municipalities and panchayat areas; if the Government are extending it to all those areas, has there been an estimate of the establishment necessary to give effect to the provisions of this Act; and if there has been such an estimate, what is the cost to the State by virtue of this Act? I venture to think that this is not a measure that is required now in the present circumstances. Because half a dozen persons could not get houses immediately and also the houses they wanted,

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they should not fancy that they should have this Act, and it does not mean that the State should be put to the increased expenditure on account of extension of the Act. I request the Hon. Minister to go into this question and enlighten us. I request him to see that although power may be given under the Act to extend it to municipalities, etc., that power may be used very sparingly and not because the Collector or the Sub-Collector has not proper quarters.

"I can say one thing that has struck me. We of the present age always want luxurious quarters and officials are not behind us. Many of them from the Central Government get no doubt very exorbitant house rent allowances and nobody wants to have a small house. In the old days, that is 50 or 60 years ago, the highest paid persons preferred to live in small sheds, but we will not do so to-day. Now the craze is for air-conditioned houses in Delhi; air-conditioned offices in Delhi and all these are immediately sanctioned, because nobody worries about who pays it and who has to bear all the taxes. Nobody worries about the tax-payer, if it suits the hierarchy of officialdom. I do want the Government to realize that this is not a question of the owners obstructing, but it is essentially a question of the citizens, of the taxpayer demanding 'What is the proper thing to do under the circumstances?'

"Therefore, I request the Hon. Minister to enlighten us, firstly, whether they have any housing programme for Government servants, and if so, can we ascertain what it is; secondly, have they made out statistical data with regard to the number of persons without houses in those municipalities; and thirdly, have they computed the cost of establishment, the nature of establishment and the size of the establishment which will be required for this purpose. I shall be grateful if the Hon. Minister would kindly enlighten us on these."

SRI A. M. ALLAPICHAJ :—"Mr. Chairman, Sir, as usual, it is very difficult to speak after the hon. Leader of the Opposition has spoken (A voice : Why should you speak at all?) Mr. Chairman, the hon. Member, Sri Krishnamurthi, said that the Government had given up control with regard to rice and cloth. Of course, there is no rice control or cloth control. All honour to the several Governments, State Governments and the Central Government. They have done their best in that direction; they have controlled the waters and as a result of their endeavours our country is now producing enough rice. This is also applicable to the production of cotton and things like that. But I should say that the minds of either the Central Government or the State Governments, particularly our State Government, have not been applied to the construction of houses for those that have to live in such houses. Because Mr. Krishnamurthi is coming from the mufassal, he does not realise the difficulties of the people who live in Cities. The situation is very unsatisfactory and when once the control is removed, I know hundreds and

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thousands of people would be thrown out of their houses and there will be actually a kind of agitation against the Government."

SRI MOHAMED RAZA KHAN :—" Why not they take a chance? "

SRI A. M. ALLAPICHAJ :—" Therefore, I thank the Government for bringing in this Bill and I support this Bill, because I feel that the Government are moving in the right direction. If they take away this control, many people would be thrown out of their houses. It was correctly observed that there were not sufficient houses.

" What happens is this : Man is so very greedy that he wants to exploit the difficulties of others. Suppose there is no control, what will happen is this : A house may now fetch a reasonable rent of Rs. 25 or Rs. 30. There are not enough houses for all the persons wanting houses. So, the moment control is lifted, the house owner will surely demand for that house Rs. 100 or so, for he would try to exploit the difficulties of others. Of course, there is the interest of the landlord also to be taken into account. But what I feel is that the rent that he is getting under the control is a very reasonable rent and while fixing the fair rent, what he pays by way of tax to the Corporation, etc., is taken into account. Therefore, I think there is no difficulty whatsoever as far as the landlord is concerned. Once the control is taken away, I am positively sure that thousands of people would be thrown out of their living places. Of course, some of our hon. Members may be owners of houses, one or two or many houses. But in the City of Madras where the population is 14 lakhs, only a few thousand people will possess their own houses and all the others have to live as tenants only. Therefore, it is but fair that we should take into account the interests of the vast majority of the people who have to live in rented houses; for, of the 14 lakhs that live in the City, how many possess buildings of their own? Only a few thousands and they own all the houses and all the houses are not sufficient for the entire population. So all the available houses are to be distributed in a just manner. Sir, what I wish to say is this. Whenever the Government feel that this control is not necessary in any particular place, they want to take the power to say so. When they feel that it is not necessary in any particular place, they may, by making some kind of declaration, say that the Act will not apply to that place. That will be rather vesting too much power in the hands of the Government. Even then it will be somewhat difficult. When the Government want to make a declaration that this Act would not apply to a particular place, they will have to investigate into the matter and come to a definite conclusion. Only after an exhaustive investigation into the conditions of the people affected in the particular area, the Government will have to come to some definite conclusion with

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reference to that particular area. Are we not introducing agrarian reforms and taking away something that belongs to the landlord? The interests of the people must be supreme and must be uppermost in the minds of the Government. No doubt, when there is a conflict between two interests, the interests of the majority have to be taken into account to a certain extent. The minority will have to put up with some little difficulty. That is what I wish to say. Why should the Government limit the time by saying that it will extend only to two years? That is all I have to say."

SRI K. BALASUBRAMANYA AYYAR :—" Sir, I want to make a few observations. I respectfully agree with some of the important observations made by the Hon. the Leader of the Opposition and I do not want to repeat them. But there are two things to be taken into consideration in these matters. My Friend the Deputy Chairman said that all people will be thrown in the streets. It is the same boggy that was raised so far as the food problem was concerned, namely, that all the people will go without any food. But now we find that there is surplus food. So much as Rs. 45 crores have been wasted by the Central Government. It is all a false impression."

* SRI A. M. ALLAPICHAH :—" Sir, hundreds of dams have been constructed at the expense of crores and crores of rupees and that is how the food position has improved."

SRI K. BALASUBRAMANYA AYYAR :—" Sir, in spite of the Deputy Chairman's interruption, I shall have my say. It is a wrong statement or an illusion to say that as soon as control is removed, thousands of people will be affected. I shall not use the word 'landlord' because it is a very unpopular word nowadays. I know that many owners of houses build houses for poor people. It is a good investment. All selfish interest requires that more houses should be built for the poor people. The owners of houses are also interested in letting out their houses. But the important point to be examined is this. We go on building houses in nooke and corners of Madras City and a large number of buildings have sprung up. All the people from the villages are coming to the City. No control is exercised so far as that is concerned. The depopulation of the villages has to be considered and this control measure has to be examined from a different point of view. Should not the whole population be distributed in various places? We are talking of the Second Five-Year Plan and say that a large number of industries have to be located in our State. So we should also take the future into consideration. We should not be going on merely extending the life of the Act without taking into consideration all these matters. The Act has been working for the last six years and the Government have some experience. They could very well make some amendments so far as the Act is concerned. That is why my hon. Friend has

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given notice of an amendment. We have got some experience of the working of the Act. If we bring in some necessary amendments to the Act, that would ease the situation.

“Another important matter which I would like to mention is that all controls lead to evasions and commission of offences. That was the experience gained by the working of all controls and that is why Mahatma Gandhiji said ‘If you introduce controls, they will only lead to evasions and commission of offences. These controls will demoralize the people and therefore do not have any control’. Now, let us see what is happening. There are various ways of getting rent from the people. A sum of Rs. 5,000 or Rs. 10,000 is already collected and the rent of the building is put at a low figure, just like promissory notes which are taken for amounts paid far below that mentioned in the pro-note. So many things are taking place. You cannot make people moral by legislations and controls. No doubt, higher rates of rent will be prevailing in some places. In Bombay and Calcutta, where there are controls, Rs. 5,000 or Rs. 10,000 is taken from the people in the name of “pugree”. Special words are being coined for this purpose. The rent put on the records will be very low. Many things are taking place on account of these controls. Therefore, the Government should seriously consider whether they should extend the life of this Act for a further period, without taking all these things into consideration.”

SRI MOHAMED RAZA KHAN :—“Mr. Chairman, Sir, as the Deputy Chairman feels it difficult to talk after the hon. the Leader of the Opposition, so also I feel it difficult to talk after the Deputy Chairman. (Laughter). Where he should oppose a measure, he supports it and where he should support, he opposes. That is by the way. There are two aspects to be considered. I was in the Select Committee when the Bill was originally introduced in 1946 and then again in 1949 when Mr. Sanjeeva Reddi, the then Minister in charge, brought in certain amendments. I am sure that by now the Hon. the Minister in charge will be convinced that a very good case has been made out by the Hon. the Leader of the Opposition, ably supported by Sri K. Balasubramanya Ayyar. In fact, it has been said times without number that whenever the Government want to extend the life of an Act, the Minister concerned should make out a case and place all the relevant facts before the House: ‘Well, we have studied the whole matter. The present position is this. The Act has been working in such a way. There is demand from hundreds of people for accommodation. Therefore, the Government are really forced to take a particular decision’. Excepting a very bald statement containing a few lines, the Minister for Public Works has not given us sufficient material on which we can decide the issue.

“The first aspect of the question is “Whom are we going to help by this legislation which is being extended year after year?” All the houses the rent for which is Rs. 25 and less do not come

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under the purview of this Act. If you talk in the name of the poor people, in the name of the lower middle class people for whom the Deputy Chairman feels so much, I feel that they can get the houses automatically. By this legislation you are trying to help a class of Government servants. Under the Act, they alone can get houses above a rent of Rs. 25. As far as these people are concerned, they cannot have the luxury of getting houses at higher rents. I understand that in the City of Madras it is very easy to get houses on a rent of Rs. 100. I ask the concerned Minister to let me know how many houses have been reported to the authorities as having become vacant and how many were allotted. Even in the matter of allotment, there is some sort of discrimination. If a good house has fallen vacant and the rent is fair, naturally there will be hundreds of applicants. But only one individual may get the house. There will therefore be some heart burning. That individual manages to get the house with some influence. Therefore, Sir, I feel that the time has come for the Government to withdraw this Act and say 'Let us leave things to themselves; no further extension of the Act is necessary'. Sri Allapichai asked, 'What is going to happen'. Nothing will happen, Sir. I can assure him that people will adjust themselves. If people are required to pay a higher rent of Rs. 75 or Rs. 100 by landlords, they will not pay and will not take up those buildings. Then the demand will become less and less. Ultimately things have a way of adjusting themselves. I know the Hon. Minister will be aware that officials never take up vacant houses in certain localities. After the stipulated time lapses, the owners are informed that they might let out their houses to anybody they liked. People are not so foolish as to pay rents of Rs. 100 and Rs. 75 and rush in for those houses, especially in these days when there is acute shortage of money. Therefore I am sure the landlord will be forced to reduce his rent, though originally he might have demanded Rs. 100. This is one aspect.

“ The other aspect is control of rent on the basis of the rent prevailing in 1939-40. May I ask the Deputy Chairman, who feels so much for the poor, whether he knows there are poor landlords in the City of Madras and there are also poor widows owning houses whose earnings are only from the rent of these houses? These poor widows get some Rs. 20 or Rs. 25 from these houses. The taxes of the Corporation have increased, but these owners are not able to increase their house rents. These poor owners are unable to get even six months' rent after paying the Corporation taxes. It is all because of this Act. Apart from the fact referred to by the Hon. the Leader of the Opposition, I must say that the Government have not provided houses for their own employees. This question has been referred to not for the first time here. In the last Council, in the last Assembly and in the present Assembly, for the last so many years people have referred to the fact that the Government have not provided houses for their own servants. On the one hand the Government refuse to tackle the problem. The

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Government do not have any scheme of house construction for their employees. It is the responsibility of the Government to provide housing accommodation for their servants. There is no point in having this Act for contingencies. My hon. Friend Mr. K. Balasubramanya Ayyar stated that the moment the control was lifted nothing serious would happen. Most of the people do not have houses, but still they will live in Madras. At the time of food decontrol it was said that there would be famine and difficulties if controls were removed. Nothing actually happened. So I can assure the Hon. Minister for Public works and I can also assure the Deputy Chairman Sri Allapichai that nothing will happen if the Act is repealed. If really things are so bad, nothing prevents the Government from coming forward and saying, 'On account of your advice, particularly the Opposition, we have taken this step of decontrol; Now things seem to be different' and asking again for powers to control accommodation. Then nobody will grudge giving the power to Government. If the Act is going to expire immediately, I know it will be difficult for him not to extend it. The minimum which he could do is this. He could say, 'I want extension only for six months. Let me examine the whole case. Let me examine the material facts placed before the House. If you are satisfied that there is a case for the continuance of the Act, I will extend it. Otherwise I will be the happiest man to withdraw it'. That should be the way in which the Minister for Public Works should deal with this question."

* SRI T. PURUSHOTHAM :—" Mr. Chairman, Sir, the Hon. Minister in introducing this Bill has clearly pointed out that there is still shortage of accommodation—residential and non-residential. (Interruption) and hence the justification for the extension of this Act. He has also assured us that though the Act is being extended up to 30th September 1957, the Government would repeal the measure if there is some improvement in the matter of accommodation. I should like to suggest to the Hon. Minister, Sir, whatever may be the justification for controlling residential accommodation, there is no case for controlling non-residential buildings. I mention this especially because some of these non-residential buildings belong to temples and charitable institutions. So it is I plead for the consideration of the Hon. Minister that exemption should be granted from the provisions of this Act to all buildings belonging to temples and charitable institutions. Temples and charitable institutions depend on these buildings for their maintenance. Their case requires sympathetic consideration, and I am sure we need not have any apprehension that this concession might be misused or that house owners would come forward to claim exemption on the plea that these houses are for temples or for charitable purposes. If they do so, I think we should welcome it, because under that plea, we would be helping these charitable institutions if some donation at least is given by such owners by coming forward with that plea and helping charitable institutions and temples.

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“ It has been stated that there is no need to control houses bearing higher rentals. There I agree with the hon. Member Sri Raza Khan. But I believe this Bill is not only for Government servants. The underlying principle is to afford protection to middle class people. There is every justification for having such a measure as far as the middle classes are concerned. I believe the Government could consider exempting houses with rentals over Rs. 200 or so. The Government may review this matter in the light of the several suggestions thrown here during the discussion on this Bill. The Hon. the Leader of the Opposition told us about air-conditioned houses, etc., enjoyed by the Government officers in New Delhi. Of course he will agree with me that the Government officers in Madras State do not have any air-conditioned houses. He has himself said how he was put out of a house when he became a non-official after having been a Government officer for a number of years. That is the position of Government officers. The Government officers in this State, not being in such an enviable position as those in Delhi, require some protection, and in the case of all middle class people some protection is necessary. I would therefore plead that there is need for a measure of this kind on the Statute Book. But I am entirely in agreement with what has fallen from the Hon. the Leader of the Opposition that there is a costly establishment to work this Act. I had occasion to refer to it in my budget speech. I even said that as far as Madras City was concerned, the Collector of Madras might be made the Accommodation Controller, and that there was no need for a separate officer of the I.A.S. cadre to be in charge of this department. Now several municipalities are I believe excluded from the provisions of this Act, and there is not much work. Perhaps the Act will be extended to a few more municipalities under the proposed legislation. (Interruption.) Anyway, the Hon. Minister should examine the feasibility of effecting necessary retrenchment. I am sure that the suggestion of the Hon. the Leader of the Opposition will be borne in mind that we should provide houses for the Government officers in this State.

“ Pending provision of such houses for the use of Government Officers, there is need to protect them in getting houses and so there is justification for a measure of the kind. As I said, the Hon. Minister should consider all these aspects and with the hope that he will do so and review the position, I support this Bill.”

4.50 P.m. * SRIMATHI R. S. SUBBALAKSHMI :—“ Sir, I welcome and support this Bill. But, I want the lower class poor people should also be helped more. In the low-lying places, especially in the Mambalam side, there are many huts, small huts, 8 feet $\times$ 10 feet where the tenants have to pay a rent of Rs. 10 and Rs. 15. I know that Government have no control over huts that fetch fifteen rupees and below. I think the Rent Control Act should be applied even in the case of huts where the rent is below Rs. 15. It will help all

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the poor people to a very large extent. So far as rent control is concerned, not only the tenants but house-owners also have difficulties. I know from my personal experience that in one of our houses for nearly ten years, three tenants are residing. One by one, these tenants leave the place and we have no control over the allotment of the places for tenants that we want. For about two or three years, all the three tenants did not pay the electricity charges, and so the electric connexion was cut off and an accumulated amount of nearly Rs. 90 or Rs. 95 we were asked to pay—the house-owner. Why should we pay? We were not informed of it at all earlier and now one of the tenants, an Andhra, has been transferred from Madras and he had vacated his place. Even before, he was never paying rent regularly and now for 3½ months, March, April, May and about half the month of June, he has not paid rent. I have written a number of letters to the Accommodation Controller about this. Only yesterday I wrote reminder No. 6 to the Accommodation Controller. But, no reply at all has been received from him. As far as I know, I think that no action has been taken by him to recover the rent from that tenant. So, I feel this Bill is quite all right. But, I think it should be carried out more efficiently and more promptly in all ways. I quite welcome the Bill. But, I want that not only the poor people should be protected but also the well-to-do house-owners should also be helped by the Rent Controller."

SRI M. P. GOVINDA MENON :—" Somehow, Sir, I am in the unhappy position today because I feel myself inclined to support this Bill. In spite of the eloquent speech of the Hon. the Leader of the Opposition, I feel convinced that such a Bill is necessary today. I think there is a feeling among the people who inhabit major panchayats and municipalities that this Act should be extended for some time more. As far as this Act is concerned, it is a mistake to say that this is intended to protect the Government servants. It is an Act not only to protect the Government servants but also other classes of people who have houses of their own, and so we need not look at this measure as one intended entirely and solely for the protection of Government servants.

" Another question raised was about the expenditure incurred in administering the Act. I do not know what takes place in the City of Madras but in the mofussil, the Revenue Divisional Officer is the man who is put in charge of the work. There is no additional expenditure whatever. Of course, there will be the clerical and other establishment in the Revenue Divisional Officer's office.

" I submit, Sir, that extension of this Act for all villages with power to the Government to withdraw control from the different areas is absolutely essential. There is no harm in it. I heartily support the Bill."

DR. A. SREENIVASAN :—" Sir, I have to oppose this Bill. Now, the Hon. Minister in charge of the Bill said that there was great necessity for extending the present period of this Rent Control

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Act. He has not given us any details about the necessities that prompted the Government to come forward with a Bill for the extension of the Act for another two years. I had gone into the question of overcrowding in the City of Madras. In my own humble way, I feel that many people who have no business to be in Madras are here because the position in villages has become absolutely precarious on account of the antics of the politicians. Life is insecure, property is insecure and everything about human beings is insecure in the villages due to the antics of the politicians. That is the reason why we, people who have got a little money, come away to municipal areas like Madras because there is considerable security of property and person in these areas.

“Regarding the control itself, human nature being what it is, the more control you try to exercise, the ingenuity of the man will be more to flout it. He will try to circumvent it. It is within the knowledge of everybody. You know how beautifully certain vakils and others circumvent the whole Rent Control Act. There is always a court to pull up and in these circumstances, Sir, I move that it is absolutely unnecessary to extend this Act for another period of two years.”

* THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI:—“Mr. Chairman, Sir, I have been carefully following the trend of the discussion in the House. I am surprised that the Hon. the Leader of the Opposition should have indulged in such a way as he had done and that he should be supported by Sri G. Krishnamoorthi and Sri Balasubramanya Ayyar. I am afraid the hon. Members have not listened to the speeches made on the floor of the Assembly. I will not bring in that matter here. But, still I would like to say that the feeling expressed in that House was to perpetuate this Act as this difficulty could not be got over in a very reasonable time. In fact, the Opposition considered an amendment to delete the number of years—two years’ time—as they thought that these conditions will continue for a very, very long time. The Hon. the Leader of the Opposition made out that the whole thing was due to the failure of the Government in not having constructed houses and so on. Well, that may be so to some extent. But, the actual principles governing the Act have not been looked at properly because it is not only accommodation control; it contains rent control and eviction control also. Accommodation control alone might be a factor which is applicable to Government servants who have not been provided with quarters. But what about rent control? What about eviction control? All these controls are involved under this Act. It is on those grounds that the people in the lower income group wanted the continuance of this Act. There are so many thousands and thousands of people who would be thrown out, once we do not extend the life of the Act. Actually on certain representations I thought that some kind of decontrol could be there, and I attempted to leave out certain

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municipalities from the operation of the Act, based on certain data. But actually in the lower House it was vehemently opposed and they have actually said that in all those places there would be chaos, once those places are removed from the operation of the Act. The opposition was so much that I had to recall the schedule and restore the *status quo ante*. I am sure hon. Members of this House would have followed the discussion that was going on in the lower House when this Bill came up for consideration. If they had followed the discussion they would have understood the vehement opposition voiced forth in respect of the schedule, which was originally in the Bill. Due to that vehement opposition, we had to withdraw the schedule. If only Sri G. Krishnamoorthi had the occasion to face such an opposition, that would have been a fitting answer to what he had said here, viz., that he would oppose the Bill with all the vehemence that he could command. All the hon. Members, who had opposed this measure and who had asked me to substantiate the reasons for the continuance of this measure, have not themselves substantiated anything in favour of the discontinuance of this Bill. They have not suggested anything in favour of decontrol. What do they mean when they say that there should be decontrol? The Hon. Leader of the Opposition was saying that it was at the instance of half a dozen officers that we are trying to pass this measure, Might I say that it is only at the instance of half a dozen landlords, who are big magnates and who are trying to get usurious rent and blackmarket rent, that the hon. Member is trying to obstruct this measure? It is because of the rack-renting of those people, that the tenants clamour for the continuance of this Act. It is at the expense of the tenants that the house-owners can talk. Otherwise they are in a hopeless minority. Nowadays the trend is to fix a ceiling on income and nationalise everything as Sri Balasubramanya Ayyar has said. Why should people be going on getting blackmarket rate of rent? Why not allow the tenants to live? There are so many poor people who are tenants and who are protected by this Act. Even Srimathi Subbalakshmi has said that there should be some protection for the lower income group, viz., for those who pay rent below Rs. 25 per mensem. There we have only the rent control and eviction control. Accommodation control is not there. We do not take those portions fetching a rent of Rs. 25 and below and put them in the list and allot them for any official or anybody.

“After Government house building programme, I would like to give the following figures. It is only now that the Government of India have sanctioned a scheme for constructing quarters for the Police. Under the Second Five-Year Plan, we have a building programme for the low-paid staff in the City and some municipal towns. The Government have also under consideration a scheme of industrial housing and also for subsidising buildings through co-operative societies. All these steps are being taken now. I wish to point out to hon. Members that in so many fields we are trying to rebuild our country. We have been hopelessly left behind after the

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advent of foreign rule. We are just on our legs. There are so many things which have top priority over building programme. Hon. Members should remember that. That is the position. We are trying to build quarters for Government servants also. Meanwhile we have got to safeguard the interests of tenants, who are living in the houses owned by private landlords.

“Of course it is easily said that many people from the villages have invaded the cities. But who can exercise control over them and bring them back to the villages? The hon. Member has not pointed out any way to solve this problem.”

DR. A. SREENIVASAN :—“If it is not due to the antics of politicians, most of the people would have settled in the villages.”

* THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—“‘Antics’ is a very wide term. The hon. Member himself has not given any meaning for it. It has no relevancy here. The real fact is that once we remove control, most of the people in the villages would be in the streets. What about the people living here, in the City of Madras? The same would be the position. Statistics have been called for. I have not brought them here. If only the statistics are wanted, I would give them to justify my claim. An important civilian officer has gone into the question and we find that our population is growing at the rate of 5.5 per cent while the number of buildings is growing at the rate of 1.5 per cent. Thus we find the proportion between the increase in population and the number of houses is 3 : 1. Actually in 1941 in the City of Madras 900 and odd people were living in 100 and odd houses. The proportion is 9 : 1. In 1951, the proportion has risen to 13 : 1. The present position has not been ascertained. But I am sure the proportion should be still higher. That is the position now.

“I should like to tell hon. Members that with regard to ‘expenditure incurred’, it is Rs. 90,400 for the year 1955-56 so far as Madras City is concerned. In the districts there is no separate officer for rent or accommodation control and the officers of the Revenue and Judicial departments attend to these works. As against the expenditure on the staff, we get an appreciable amount by way of stamp duty on applications. That is the position with reference to expenditure also.

“Actually in the Assembly they wanted the operation of this Act for all time to come. They wanted me not to hold the power to withdraw from the operation of the Act any municipalities, in case the Government thought that in those municipalities there was no need to have this control. In the original Act, we had the power to withdraw from the operation of the Act any panchayats, in case we found it necessary. With reference to municipalities, we had no such power. I wanted that power for Government. Even for that there was much opposition. I had to explain to the House that I wanted that power, only in case it was found that

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the control was no longer necessary in any particular municipality and at the same time I had to assure the House that there would not be any need for the application of that power. I had to explain in such a detail before getting the approval of the House, for the proviso to Clause 2. The Members of this House are not more representative of the people than the Members of the Assembly who are very well conversant with the condition of the poorer classes. That being so, the Members of the Assembly vehemently pleaded for the continuance of this Act. I am definitely certain that this measure is a very essential one. We can call for a referendum, so to say, on this question. I am sure even then we would come out with a thumping majority because we represent the view of the masses."

DR. V. K. JOHN :—" Is the Hon. Minister a landlord? "

* THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" I am not a landlord. After the abolition of zamindaris, I am an ordinary man. I am not a capitalist, so to say. I would very soon join the ranks of somebody else. This is only for the information of the hon. Member, who intervened.

" Rather than talking on high rhetoric here and criticising the present Bill, I am trying to be a practical man. I am trying to be particularly alive to the real problem of how the poorer sections of our community want the continuance of this Act."

SRI MOHAMED RAZA KHAN :—" On a point of order, Sir. The Hon. Minister is within his right to explain the viewpoint of Government and to say that whatever might be the view of hon. Members of this House, the view of the Government is to continue the present Act. I have no objection to the Hon. Minister saying so. But the Hon. Minister, I feel, has absolutely no right or business to cast aspersions on any hon. Member of this House saying that any hon. Member of this House is not as much representative of the people as the Members of the Assembly are. Such kind of reflection is highly objectionable, Sir. The Hon. Minister should be careful in the choice of his words."

* THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" I was only paying a tribute to the high rhetoric used by the hon. Member. Can I not do so? Do you mean to say that I should not praise the fine rhetoric used here? Is it objectionable for me to have said that? The Members of the Assembly are also equally representatives of the people."

SRI MOHAMED RAZA KHAN :—" The words ' more representative ' were used by the Hon. Minister."

* THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" They move with the people much more."

SRI K. BALASUBRAMANYA AYYAR :—" I question that statement, Sir."

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SRI MOHAMED RAZA KHAN :—“ While admitting that Members of the Assembly are real representatives of the people, might I say that one-third of the Members of this House have been elected by the Members of the Assembly and as such we are also as much representatives of the people, as the Members of the Assembly are.”

MR. CHAIRMAN :—“ What is the statement made by the Hon. Minister? ”

* THE HON. SRI R. SHANMUGA REJESWARA SETHUPATHI :—“ It was on the question of the representative character of the other House. They are not less representative than the Members of this House because they move with all classes of people.”

MR. CHAIRMAN :—“ I do not think the Hon. Minister could say even that.”

* THE HON. SRI R. SHANMUGA REJESWARA SETHUPATHI :—“ Then I withdraw that.

5-10 P.m. “ Then, Sir, Mr. Purushottam said about the temples and charitable institutions and wanted that they should be exempted from the operation of this Act, as they have mainly to derive their income from these buildings. Well, I have only to point out that temples and charitable institutions have not been exempt from the Zamindari Act. Therefore, I say that it may not be possible to make exemptions of that kind.

“ Then Mr. Balasubramanya Ayyar mentioned that all these controls led to dishonesty and other things. Of course, there are evasions of taxes and on that ground it cannot be maintained that we should remove all taxation. Wherever there is a tax, there is a tax evasion also. So, it cannot be made a case for the withdrawal of the tax.

“ Most of the hon. Members characterised this control on a par with food control and other controls. There the commodity is procured and consumed, but here it is not so. This control is of a different character. This cannot be compared to food control and cloth control. Here nobody consumes the houses; only people want a place to live in paying fair rent and such houses should be made available within the reach of the poor sections of the people who are in need of shelter. Therefore, I do not agree with the arguments put forward.

“ For the above reasons, Sir, I still maintain that this Bill has to be pushed through.”

MR. CHAIRMAN :—“ The question is—

“ That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1955 (L.A. Bill No. 21 of 1955), as passed by the Assembly be taken into consideration.”

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The Motion was carried and the Bill was taken into consideration.

Clause 2.

MR. CHAIRMAN :—" Motion moved—

That Clause 2 do stand part of the Bill'."

SRI MOHAMED RAZA KHAN :—" Sir, I move the amendment standing in my name, namely :—

In clause (a), add the following as second proviso :

" Provided further that houses fetching a rent of Rs. 150 and above shall be exempted from the operation of the Act." " "

Dr. V. K. JOHN :—" I second the amendment, Sir."

MR. CHAIRMAN :—" Amendment moved—

In Clause (a), add the following as second proviso :

" Provided further that houses fetching a rent of Rs. 150 and above shall be exempted from the operation of the Act." " "

SRI MOHAMED RAZA KHAN :—" Sir, despite all the arguments put forward by the Hon. Minister, I am sorry to say that I have not been convinced of the causes which he has made out. He was saying that because the Assembly wanted that this Act"

MR. CHAIRMAN :—" Mr. Raza Khan will please speak on the amendment."

SRI MOHAMED RAZA KHAN :—" Yes, Sir. As stated by the Hon. Minister himself, he is trying to develop a socialistic ideology and so he wants to fight for the poor people who may be affected if the Act is repealed. I am not, as I have said, convinced about it. For, as far as accommodation control goes, only it benefits one class, the Government servants. Supposing a house falls vacant and if the rent is Rs. 25 or 30, it is allotted to them, if they like it. It does not help the other people and further the landlord is left with no choice. Another thing is that if the Act is withdrawn, there might be a sort of rackrenting. I have heard that a number of houses worth a rent of Rs. 150 and above are vacant in the City of Madras, especially in Gandhi Nagar area and there are no people to occupy them. There should be some reasons for this.

The house building programme for middle-classes has not progressed very much, rather appreciably; the various House Building Societies and even landlords have constructed only big houses fetching a rent of Rs. 150 or more. So, such of the people who want houses on Rs. 150 and more, should be free to take such houses if they like them. In the case of houses fetching smaller

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rents, it is different. Even there, if the house-owner is unscrupulous, he may demand more. In every walk of life there are honest people and unscrupulous people. Therefore, in view of what I have said, I think the minimum that the Government could do is to see that houses whose rent is higher may be exempted from the operation of the Act."

DR. V. K. JOHN :—" Mr. Chairman, Sir, I should say that this is a very sensible and thoughtful amendment. In these days of socialistic pattern of society which the Government want to introduce, no Government servant should occupy a house the rent of which is more than Rs. 150. Why should Government commandeer houses whose rent is Rs. 150 and more, for the Government servants, especially when in the near future a socialistic pattern of Society is to be established. Therefore, I would urge upon them to leave these houses alone. The wisest course to adopt in this case is not to control houses the rent of which is more than Rs. 150."

SRI A. GAJAPATHY NAYAGAR :—" Mr. Chairman, I hope the Chairman knows the old adage: 'Wise men build houses and fools occupy them or fools build houses and wise men live therein', something like that."

MR. CHAIRMAN :—" Which is correct? "

* SRI A. GAJAPATHY NAYAGAR :—" Whatever it is, I shall give an example. There is a house in Venkatesapuram colony and it is about 2' $\times$ 20' and it fetches a rent of Rs. 75; that is due to rent control. But it is only the Government servant who gets a house-rent allowance can pay a higher rent. Where persons are getting allowance from Government they have to pay 10 per cent of their pay. So if a Government servant gets Rs. 1,000 he has to pay Rs. 100. I was getting Rs. 1,200 and I had to pay a house rent of Rs. 120.

" I cannot understand why my hon. Friends say that no control is necessary. If Government wants to do something for the poor people, they should try to stop rackrenting and protect them from avaricious house-owners. I know these poor people live only in small rooms 15 $\times$ 10; I know graduates, who are lower division clerks in such houses—do not call them houses, they are only single-room tenements—paying a rent of Rs. 25 or so. Therefore, it is but reasonable that Government should come to protect these persons."

* THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" Sir, I oppose the amendment as no case has been made out to show that such houses should be exempted. It has not been proved that above a certain limit houses are not wanted. Even now we are exempting house-owners where their houses are not taken. But if we make the rule as wanted by the amendment, there will

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be further difficulties created. Supposing a house fetches Rs. 125 or Rs. 130; the house owner can put up the rent to Rs. 150 so that the house may not come under control. So, if we accept the amendment, the officials will not get any protection under this Act, because rent control ceases. So there is no point made out to have this amendment. As and when houses on high rents are not wanted, we are already releasing them to the land owners and as such I oppose the amendment, Sir."

SRI MOHAMED RAZA KHAN :—" Sir, except for the fact that the Government servant has to adopt the cumbersome process of applying to the Rent Controller and all that there is not much advantage. I do say so because I have got information to that effect. If possible, the Hon. Minister may have statistics collected. What is the number of houses reported to the Controller in the City of Madras and how many of them are above a monthly rent of Rs. 150? In the last year itself, about 1,000 houses have been reported fetching a rent of Rs. 150 or more; if he analyses, the Hon. Minister himself would find that hardly 40 or 50 houses were accepted by the various Government servants and the other houses, 950 or so, were asked to be occupied by others. The landlords were then told 'There is no demand for such houses and they are removed from the operation of the Act'. If that is so, I do not find any reason for continuing this measure and having a lengthy process. However, as the Hon. Minister has said that he is not going to accept my amendment, I am not withdrawing it."

5-20
p.m.

* THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" Sir, I oppose the amendment. I do not find any reason for accepting it."

MR. CHAIRMAN :—" The question is—

' In clause (a), add the following as second proviso :

Provided further that houses fetching a rent of Rs. 150 and above shall be exempted from the operation of the Act.' "

The amendment was lost.

Clause 2 was put and carried.

Clause 1 and the preamble were put and carried.

* THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" Sir, I move—

' That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1955 (L.A. Bill No. 21 of 1955) as passed by the Assembly be passed.' "

MR. CHAIRMAN :—" Motion moved—

' That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1955 (L.A. Bill No. 21 of 1955) as passed by the Assembly be passed.' "

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DR. V. K. JOHN :—" Sir, I want to intervene at this stage and say a word or two. Whenever control measures are introduced, I have always advocated that we must have a decontrol measure also. This control measure was introduced, if I remember aright in 1946, but I have never seen a decontrol measure at all. The Government could construct houses for their employees. I am sure it is a very good investment. They can charge interest at 4 per cent. But there has never been a regular and scientific attempt to construct houses year after year. If that has been done, the necessity for the houses which are now required by the Government servants under this control measure would cease by 1955. This Government have not done that. I would strongly advise the Government to have a decontrol measure and put it on the Statute book if necessary.

" The second thing I want to impress is this, namely that control and blackmarket always go together. If sufficient number of houses have not been built, I say that it is all due to this control measure. People, who can afford to construct houses, do not like to do so because the Government unnecessarily interfere and interfere beyond a measure which is acceptable to the people. The Government should realise that if there are not sufficient number of houses to-day, it is due to these control measures.. What is happening to-day? Suppose somebody wants to take up a house. The Government will fix some rent. Some premium is paid. It all demoralises the public. There are cases where large amounts are paid, without any record whatsoever, to get a house. The rent is actually more than what appears in the records and the Corporation loses by way of tax. Therefore, all these lead to black-marketing and demoralization of society. I would strongly advise the Government not to have these control measures at all, because in a free society there must be competition. Then only people would come forward to invest money and expect a proper return, say four per cent. Sufficient number of houses will be constructed for the people only if you remove these controls. I can understand the introduction of control measures during War time when people rushed into the Cities and there was not sufficient time or opportunity to build houses. But that control should have lasted only for one or two years. But here you want to go on with that control measure for the past nine years and you want to extend it by another two years. Not only that; you want to make this a permanent measure. I very strongly oppose all control measures. There must be a free field in all these matters. I do not, of course, say that tenants ought to be exploited. If anybody is exploited, it is only the tenants who pay less than Rs. 25 and the control measure does not apply to them. It is they who are rack-rented. You should fix a rent for the smaller buildings also.

" Therefore, I strongly advise the Government to get rid of all these control measures as early as possible and give a free field

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to persons who can invest money and build houses so that more houses can be built. It is the control that prevents them from building a large number of houses."

* THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" Sir, I have nothing further to add by way of any proposition to the hon. Member's suggestion. The Government do not want to have control beyond the time that is necessary. So long as the exigencies exist only, we want to have control. The Government themselves have got a programme now, as I have indicated here while the hon. Member was not here, of constructing houses for various sections of officers and low-paid Government servants. When that programme is executed during the Second Five-Year Plan, the position may get eased a bit. At such a time, the Government will not fail to bring in a decontrol measure if that is justified. I therefore move that the Bill be passed."

MR. CHAIRMAN :—" The question is—

'That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1955 (L.A. Bill No. 21 of 1955) as passed by the Assembly be passed.'"

The motion was carried and the Bill was passed.

SRI MOHAMED RAZA KHAN :—" I request the Chairman to kindly adjourn the House. We have already sat for two and a half hours."

MR CHAIRMAN :—" I now call upon the Hon. the Minister for Local Administration to move his Bill."

(3) THE MADRAS DISTRICT MUNICIPALITIES (AMENDMENT)
BILL, 1955 (L.A. BILL NO. 19 OF 1955).

* THE HON. SRI S. S. RAMASWAMI PADAYATCHI :—" Mr. Chairman, Sir, I move—

'That the Madras District Municipalities (Amendment) Bill, 1955, (L.A. Bill No. 19 of 1955), as passed by the Assembly, be taken into consideration.'

"Under the Madras District Municipalities Act, 1920, as it stands, Municipal Councils may levy property tax on agricultural lands either (1) on the basis of their letting value [under Section 81 (2) read with Section 82 (2) of the Madras District Municipalities Act] or (2) on the basis of land revenue under Section 81 (4). The levy of property tax on the basis of letting value results in an arbitrary assessment and is not as satisfactory as assessment on the basis of land revenue. This levy of the tax on the basis of land revenue will also be in line with the basis of assessment of the tax on such land in non-municipal areas. But there is a difficulty. The land revenue payable in respect of land is usually much lower